

ASSEMBLY BILL

No. 571

Introduced by Assembly Member Saldana

February 25, 2009

An act to add and repeal Article 5.5 (commencing with Section 8260) to Chapter 2 of Part 3 of Division 6 of the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 571, as introduced, Saldana. Commercial fishing: lobster stamp.

Existing law prohibits the taking of lobsters for commercial purposes except under a valid lobster permit issued by the Department of Fish and Game.

This bill would prohibit the taking of lobster for commercial purposes without a commercial lobster stamp affixed to a valid lobster permit. The bill would require the department to issue a commercial lobster stamp upon application and payment of an unspecified fee. The bill would require the department to deposit stamp revenues in the Commercial Lobster Stamp Account, which the bill would create. The bill would continuously appropriate money in the account to the Ocean Protection Council for new or expanded lobster projects in the state to improve lobster conservation and management. The bill would require the council to appoint a 5-member Commercial Lobster Stamp Advisory Committee to recommend to the council projects and budgets for the expenditure of account revenues. Money in the account would also be available, upon appropriation by the Legislature, to the committee for the purpose of supporting long-term conservation and improved management of the California spiny lobster fishery. The provisions of the bill would be repealed on January 1, 2014. Because a violation of

the stamp requirement would be a crime, this bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California's spiny lobster fishery is an important component
4 of California's marine ecosystem, as well as an important source
5 of jobs for California fishermen and food for consumers.

6 (b) California's lobster fishermen, primarily through
7 associations, should participate in the development and
8 implementation of new approaches to managing lobster fishing.
9 Those approaches should be designed to ensure economical and
10 sustainable fishing.

11 (c) California's lobster fishermen's associations will greatly
12 benefit from an established mechanism that will provide a steady
13 source of funds for projects that promote the longterm conservation
14 and improved management of the California spiny lobster fishery.

15 SEC. 2. Article 5.5 (commencing with Section 8260) is added
16 to Chapter 2 of Part 3 of Division 6 of the Fish and Game Code,
17 to read:

18
19 Article 5.5. Lobster Stamp

20
21 8260. As used in this article:

22 (a) "Account" means the Commercial Lobster Stamp Account
23 established in Section 8262.

24 (b) "Committee" means the Commercial Lobster Stamp
25 Advisory Committee established pursuant to Section 8263.

26 (c) "Council" means the Ocean Protection Council established
27 in 35600 of the Public Resources Code.

1 8261. (a) A person shall not take lobster for commercial
2 purposes unless that person has a commercial lobster stamp affixed
3 to his or her valid lobster permit.

4 (b) The department shall issue a commercial lobster stamp upon
5 application and payment of a base fee of _____ in the _____ license
6 year, which shall be adjusted annually thereafter pursuant to
7 Section 713.

8 (c) The base fee may be adjusted annually by a majority vote
9 of the Commercial Lobster Stamp Advisory Committee established
10 pursuant to Section 8263, but shall not exceed _____.

11 (d) A commercial lobster stamp is valid during the commercial
12 lobster season of the year in which it was issued.

13 8262. Revenues received by the department from the fees
14 imposed by Section 8261, and any interest earned on those fees,
15 shall be deposited in the Commercial Lobster Stamp Account,
16 which is hereby established as a separate account of the California
17 Ocean Protection Trust Fund in the State Treasury.
18 Notwithstanding Section 13340 of the Government Code, the
19 money in the account is continuously appropriated to the council
20 for new or expanded lobster projects in the state to improve lobster
21 conservation and management. Money in the account shall also
22 be available, upon appropriation by the Legislature, to the
23 committee for the purpose of supporting long-term conservation
24 and improved management of the California spiny lobster fishery,
25 consistent with Public Resources Code 35650, including, but not
26 limited to, all of the following:

27 (a) Purchasing transferable lobster permits in order to address
28 overcapitalization.

29 (b) Marine Stewardship Council certification.

30 (c) Implementing new management approaches that optimize
31 catch per unit effort and create incentives for ecosystem
32 improvement.

33 (d) Payment of loans to the California Fisheries Fund.

34 (e) Department administrative overhead costs or collection costs,
35 not to exceed one percent of the annual expenditures from the
36 account.

37 (f) Committee administrative overhead costs or collection costs,
38 not to exceed three percent of the annual expenditures from the
39 account.

1 8263. (a) The council shall appoint a Commercial Lobster
2 Stamp Advisory Committee, consisting of five members, as
3 follows.

4 (1) Two members, each with an alternate, representative of the
5 state's commercial lobster interests.

6 (2) One member selected from the membership of the California
7 Lobster Trap Fishery Association. This subdivision does not
8 prohibit persons selected pursuant to paragraph (1) from also being
9 a member of the California Lobster Trap Fishery Association.

10 (3) The Secretary of the Ocean Protection Council.

11 (4) The director, or his or her designee.

12 (b) The three fisherman committee members shall be selected
13 from names of persons submitted by commercial lobster fishermen
14 of this state. The council shall appoint persons to the committee
15 who possess knowledge and experience in subjects that are of
16 specific value to the committee.

17 (c) The term of appointment to the committee shall be not more
18 than four years.

19 (d) The committee shall recommend to the council projects and
20 budgets for the expenditure of revenues received pursuant to this
21 article. The council shall include these recommendations in the
22 Governor's Budget and shall not recommend funding or any project
23 not contained in the committee's recommendations.

24 (e) The council shall submit to the committee, at least annually,
25 an accounting of funds derived from the account, including the
26 number of stamps sold, funds generated and expended, and the
27 status of projects funded pursuant to this article.

28 (f) In furtherance of the purposes articulated in subdivision (b)
29 of Section 8262, the council may contract with, or offer grants to,
30 nonprofit commercial fishery organizations that, prior to January
31 1, 2010, were conducting projects consistent with this article.

32 8264. The council may receive funds for deposit in the account,
33 for purposes of this article, from sources other than the sale of
34 commercial fishing lobster stamps, including, but not limited to,
35 grants from the federal government, grants from private
36 foundations, money disbursed from court settlements, and
37 donations and bequests from individuals. Additional funds received
38 pursuant to this section shall not be deposited in the account unless
39 the person or entity providing the funds specifically designates in
40 writing, prior to or at the time of transmittal of the funds to the

1 council, that the funds are intended solely for deposit to that
2 account.

3 8265. This article shall remain in effect only until January 1,
4 2014, and as of that date is repealed, unless a later enacted statute,
5 that is enacted before January 1, 2014, deletes or extends that date.

6 SEC. 3. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.